

**Frederick County Ethics Commission**  
**Minutes for the Public Meeting of Wednesday, October 14, 2015**

Present:        Brian Duncan, Chair  
                  Stephen K. Hess, Vice Chair  
                  Christopher Glass, Sr., Commission Member  
                  Timothy Tosten, Commission Member  
                  Linda B. Thall, Senior Assistant County Attorney

Absent:         Anthony Ventre, Commission Member  
                  Beverly Freed, Alternate Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on October 14, 2015, in the Winchester Room on the 2<sup>nd</sup> floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

**August 12, 2015 meeting minutes** - A draft of the minutes was provided to the Commission members before the meeting.

**MOTION:**    Mr. Hess moved to approve the minutes. Mr. Glass seconded the motion. Mr. Tosten abstained from voting, as he did not attend the August 12 meeting. The remaining members approved the minutes unanimously.

**Discussion of Public Ethics Law report** – Copies of the Public Ethics Law 2015 Mid-Year Report to the Ethics Commission were distributed. The members discussed the Public Ethics Law and the purpose for the report.

**Update on pending amendments to the Ethics Law** – Commission members were advised that the County Council will hold a public hearing on the pending ethics bill on November 3, 2015. Mr. Duncan will attend the public hearing. The Commission also discussed the recent letter from the State Ethics Commission regarding the proposed changes.

**Proposed revisions to the Commission's Standard Operating Procedure** – The Commission agreed that public comments on proposed changes to the Commission's Standard Operating Procedure would be solicited before changes are made. Some of the potential changes suggested were the following:

**Section I. Background**

Update this Section if the number of Commission members changes from five to seven.

## Section II. Commission Responsibilities

Add a new item at the end of this Section regarding the Commission's need to request funds for outside counsel and other services, as required.

Require a majority vote to approve spending budgeted funds.

Add a provision requiring annual training on the ethics law, possibly to coincide with the filing of annual financial disclosure statements.

## Section III. County Attorney's Office Responsibilities

Add a new item at the end of this Section calling for the County Attorney's Office to advise the Commission when external counsel or services are needed.

## Section IV. Requests for Advisory Opinions and Requests for Exemptions

The Commission considered whether language should be included about secondary employment and to what extent the Commission should address potential conflicts of interest arising out of secondary employment.

Follow the Ethics Task Force recommendation to add a provision on reconsideration of advisory opinions. Also provide that the Commission is not required to reconsider an opinion if there is no new evidence provided.

## Section V. Complaints

Amend the title of Part B (Outside Legal Counsel) to "Outside Legal Counsel and Other Services." Another option is to create a new section in recognition of the fact that outside legal counsel or other services might be required in situations not involving complaints.

Change paragraph A.3 to require a person filing a complaint to identify the specific section of the ethics law that they believe has been violated.

Consider changing paragraph A.4 to allow the Commission to accept anonymous complaints. Mr. Duncan and Mr. Hess opposed this change. Mr. Tosten would allow the Commission to accept anonymous complaints. Mr. Glass was opposed to the change because it would make it more difficult for the Commission to follow up on complaints. There was a discussion of whether to publicize the email addresses of the individual Commission members to allow a complainant to contact a Commission member directly to file a complaint. Decisions on this paragraph were deferred until the full Commission considers the change.

The Commission discussed whether it should keep the name of a complainant confidential when the Commission finds that there was no violation of the ethics law. A suggestion was made that this be addressed in the ethics training.

Change paragraph G.2 to require that if an employee or official is found to have violated the ethics law, the employee's or official's name would be included in the written decision. The complainant's name would not be included in the decision unless requested.

The Commission continued further discussion of the Standard Operating Procedures until the next meeting.

**Decision to meet to perform an administrative function** – The Commission decided unanimously to conduct an administrative function meeting to discuss questions related to certain individual financial disclosure statements and whether additional action on those disclosures was warranted. The administrative function meeting would also involve a discussion as to a possible future ethics complaint against a County employee.

**Required information regarding the administrative function meeting** – The Commission began its administrative function meeting at approximately 8:30 p.m. on October 14, 2015, in the Winchester Room on the 2<sup>nd</sup> floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701. Present for the meeting were Mr. Duncan, Mr. Hess, Mr. Glass, Mr. Tosten, and Ms. Thall. The members discussed questions arising out of their review of the 2015 annual financial disclosure statements with regard to potential conflicts of interest. The Commission also discussed whether any further actions needed to be taken with regard to the financial disclosure statements discussed. In addition, one of the members discussed an incident that raised conflict of interest questions and approved the member's recommended course of action.

### **Adjournment**

The Ethics Commission adjourned its meeting at approximately 8:50 p.m.

/s/  
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Linda B. Thall, Senior Assistant County Attorney